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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/709,170

11/10/2000

Raymond P. Warrell

10412-025

4982

79089

7590

02/06/2009

Diehl Servilla LLC

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EXAMINER

GIBBS, TERRA C

ART UNIT

PAPER NUMBER

1635

MAIL DATE

DELIVERY MODE

02/06/2009

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

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APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
09709170	11/10/00	WARRELL ET AL.	10412-025

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EXAMINER

TERRA C. GIBBS

ART UNIT	PAPER
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1635	20090203
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DATE MAILED:

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Commissioner for Patents**Examiner's Answer to Appeal Brief - Evidence Relied Upon**

It is noted that in the Examiner's Answer to Appeal Brief filed December 11, 2008, the Examiner indicated in Section 8 that no evidence of record was relied upon in the rejection of the claims under appeal. However, this statement was incorrect as the following evidence was relied upon by the Examiner in the rejection of the claims under appeal:

(8) Evidence Relied Upon

Webb et al. BCL-2 antisense therapy in patients with non-Hodgkin lymphoma. Lancet. 1997 April 19;349(9059):1137-1141.

Waters et al. Phase I clinical and pharmacokinetic study of bcl-2 antisense oligonucleotide therapy in patients with non-Hodgkin's lymphoma. J Clin Oncol. 2000 May; 18(9):1812-1823.

6,214,986 Bennett et al. 6-1999

No response period is required in reply to this communication.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Terra C. Gibbs whose telephone number is 571-272-0758. The examiner can normally be reached on 9 am - 5 pm M-F. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James "Doug" Schultz can be reached on 571-272-0763. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000. Patent applicants with problems or questions regarding electronic images that can be viewed in the Patent Application Information Retrieval system (PAIR) can now contact the USPTO's Patent Electronic Business Center (Patent EBC) for assistance. Representatives are available to answer your questions daily from 6 am to midnight (EST). The toll free number is (866) 217-9197. When calling please have your application serial or patent number, the type of document you are having an image problem with, the number of pages and the specific nature of the problem. The Patent Electronic Business Center will notify applicants of the resolution of the problem within 5-7 business days. Applicants can also check PAIR to confirm that the

problem has been corrected. The USPTO's Patent Electronic Business Center is a complete service center supporting all patent business on the Internet. The USPTO's PAIR system provides Internet-based access to patent application status and history information. It also enables applicants to view the scanned images of their own application file folder(s) as well as general patent information available to the public.

For all other customer support, please call the USPTO Call Center (UCC) at 800-786-9199.

February 3, 2009
/Terra Cotta Gibbs/